

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	MDL No. 2419
PRODUCTS LIABILITY LITIGATION)	Dkt. No. 1:13-md-2419-RWZ
_____)	
)	
This Document Relates to:)	
)	
Suits Naming the SSC Defendants)	
)	

**NOTICE OF FILING PROPOSED ORDER
GRANTING THE SSC DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON
THE PLAINTIFFS' CLAIMS FOR STRICT PRODUCT LIABILITY [DOC. 2882]**

Specialty Surgery Center, PLLC; Kenneth Lister, MD; and Kenneth Lister, MD, PC (collectively "SSC Defendants") give notice to the Court and all parties of the filing of a proposed order granting the SSC Defendants' **unopposed** motion for summary judgment on the Plaintiffs' claims for strict product liability. In support thereof, the SSC Defendants state as follows:

1. On February 29, 2016, the Court entered an opinion and order on the parties' competing motions for summary judgment on the Plaintiffs' strict product liability claims in the STOPNC cases.¹ [Doc. 2700]. The Court granted the STOPNC Defendants' motion for partial summary judgment and dismissed the Plaintiffs' claims for strict product liability under Tennessee's Product Liability Act ("TPLA").

2. The Plaintiffs in the SSC cases assert virtually identical claims for strict product liability against the SSC Defendants under the TPLA.

¹ Suits naming Saint Thomas Outpatient Neurosurgical Center, LLC.

3. The SSC Defendants filed a motion for summary judgment on May 19, 2016, seeking dismissal of the TPLA claims against the SSC Defendants for the same reasons that the Court dismissed the same claims against the STOPNC Defendants.

4. The Plaintiffs neither filed an opposition nor requested an extension of the opposition deadline.

5. The SSC Defendants' Motion for Summary Judgment at Doc. 2882 is therefore unopposed.

6. The SSC Defendants submit the proposed order attached as **Exhibit 1** for the Court's consideration.

Respectfully submitted,

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* Admitted pursuant to MDL Order No. 1.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 20th day of June, 2016.

/s/ Chris J. Tardio

Chris. J. Tardio